

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN TAYLOR,

Petitioner,

v.

JOHN PRELESNIK,

Respondent.

CASE NO. 12-CV-11665

HON. MARK. A. GOLDSMITH

ORDER GRANTING PETITIONER'S MOTION TO AMEND (Dkt. 12)

Petitioner filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the Court is Petitioner's second motion for leave to amend his petition (Dkt. 12), to which Respondent has filed a response (Dkt. 15). Petitioner seeks to amend his petition by asserting an additional claim that the trial court relied on a theory of guilt that had not been advanced by the prosecutor at his bench trial. Pet'r Br. 1-5 (Dkt. 12). Under Federal Rule of Civil Procedure 15, the Court should freely allow a party to amend when justice so requires. Fed. R. Civ. P. 15(a)(2). As Respondent has already filed a response to Petitioner's second motion to amend and advances several arguments as to why Petitioner's new claim lacks merit, see Resp. Br. at 6-15 (Dkt. 15), the Court grants Petitioner's motion pursuant to Rule 15, concluding that Respondent will not be prejudiced.

Accordingly, the Court grants Petitioner's second motion to amend.

SO ORDERED.

Dated: June 10, 2014
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 10, 2014.

s/Deborah J. Goltz

DEBORAH J. GOLTZ

Case Manager